THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.3739 of 2007

Between:

B.Rama Rao.

.. PETITIONER

and

The State of A.P.,
Rep. by the Chief Registrar
(Births and Deaths) and another.

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RESPONDENTS

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ORDER:

The daughter of the petitioner was born on 25-12-1985 at B.H.E.L.,

General Hospital, Ramachandrapuram. The date of birth of his daughter was entered in the Birth Register of R-2. Infact, the name of his daughter was not decided immediately and after naming his daughter, the name was not informed to the 2nd respondent.

It is further stated that his daughter studied from L.K.G. to 10th class at St.Ann's High School, R.C.Puram, BHEL, and completed intermediate at Narayana Junior College, S.R.Nagar, Hyderabad. Now, she is studying B.Tech. final year at DVR College of Engineering, Kandi, Medak District.

It is further stated that infact in the service record of the petitioner, the date of birth and the name of his daughter was entered.

It is further stated that as the date of birth certificate in the name of his daughter is required to get visa for the purpose of going abroad, the petitioner made a representation, dated 13-10-2006, before the 2nd respondent for issuance of birth certificate in the name of his daughter namely Bonam Om Pavithra. However, the said representation has been rejected through impugned proceedings, dated 13-10-2006, on the ground that though the birth of a baby child was registered in the record of the 2nd respondent without the name of the child, since the name was not informed within the prescribed time, the request of the petitioner cannot be considered as per Section 14 of Registration of Births and Deaths Act, 1969 (for short "the Act"). Aggrieved by the same, the petitioner preferred this writ petition.

There is no dispute that the date of birth of petitioner's daughter was registered in the Birth Register of R-2.

As per Section 14 of the Act, where the birth of any child has been registered without a name, the parent of the child shall inform the name of the child to the Registrar either orally or in writing within the prescribed time. On such information, the Registrar shall enter such name in the

register and put his initial and the date of entry.

Therefore, Section 14 of the Act clearly prescribes that the information shall be furnished within the prescribed time.

As per Rule 10 of A.P.Registration of Births and Deaths Rules, 1999, (for short "the Rules"), the information shall be given within a period of 15 years, which shall be reckoned from the date of commencement of the Rules, which came into force in the year 1984.

Therefore, the prescribed time, even according to Rule 10, has been elapsed in the year 1999 itself.

I am of the opinion that though Rule 10 prescribes fifteen years, but there is no prohibition to enter the name of the person after due verification.

In this regard, the Gujarat High Court in ***DIPIKA ARVINDKUR PANCHOLI v. STATE OF GUJARAT***[1] took the view that it is permissible under the Act and Rules to enter the name of a person even after fifteen years, if the identify of the person is not in dispute. Following the said judgment, this court allowed number of writ petitions and one of such writ petition is W.P.No.23391 of 2005, dated 31-10-2005.

Having regard to the provisions of the Act and the judgment of the Gujarat High Court, this court finds that the 2nd respondent ought to have considered the application of the petitioner and entered the name of his daughter in the certificate, after satisfying himself as to the identity.

Accordingly, the writ petition is disposed of directing the 2nd respondent to consider the application of the petitioner and enter the name of his daughter in the birth certificate, after satisfying himself that the certificate relates to the person whose name is sought to be entered. For this purpose, it shall be open to the 2nd respondent to receive any further

or additional information or material. This action shall be completed within a period of four weeks from the date of receipt of a copy of this order. To avoid further delay and complications, the petitioner shall make a fresh application enclosing necessary documents. There shall be no order as to costs.

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27-02-2007

Note:
Issue C.C. in three days
(B/o)
Prv

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[1] AIR 2003 GUJARAT 102